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ABSTRACT

Every day, youth with mental health, substance use and co-occurring disorders come in contact with the juvenile justice system. The reasons for this contact are varied. Sometimes youth come in contact with the system as the result of behavior that draws the police and culminates in an arrest. Other times, the youth is referred by school officials who are convinced the child's behavior or truancy patterns reflect a need for intervention by the justice system. Sometimes, a parent or guardian turns to the juvenile justice system because they believe the youth is out-of-control and have been advised that the legal authorities can help them get needed services and support their efforts to supervise their child. Regardless of the manner by which the child is referred to the system, involving families in all stages of the system is critical to ensuring positive outcomes for justice-involved youth with mental health issues. To facilitate their involvement, families need information, training and support at all stages of their child's experience with the juvenile justice system. This brief provides information on the benefits of family participation, and specific techniques for involving families at each stage of the juvenile justice system. (GCP)

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Involving Families of Youth Who Are in Contact with the Juvenile Justice System

by
Trina Osher and Pat Hunt

National Center for Mental Health and Juvenile Justice
Research and Program Brief
December 2002

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Research and Program Brief

Research and Program Briefs are periodic publications aimed at improving policy and practice for youth with mental health disorders in contact with the juvenile justice system. This publication is supported by a grant from the **John D. and Catherine T. MacArthur Foundation**.

Involving Families of Youth Who Are in Contact with the Juvenile Justice System

by Trina Osher and Pat Hunt

Introduction

Every day, youth with mental health, substance use and co-occurring disorders come in contact with the juvenile justice system. The reasons for this contact are varied. Sometimes youth come in contact with the system as the result of behavior that draws the police and culminates in an arrest. Other times, the youth is referred by school officials who are convinced the child's behavior or truancy patterns reflect a need for intervention by the justice system. Sometimes, a parent or guardian turns to the juvenile justice system because they believe the youth is out-of-control and have been advised that the legal authorities can help them get needed services and support their efforts to supervise their child.

Regardless of the manner by which the child is referred to the system, involving families in all stages of the system is critical to ensuring positive outcomes for justice-involved youth with mental health issues. To facilitate their involvement, families need information, training and support at all stages of their child's experience with the juvenile justice system.

Benefits of family participation

The benefits of family participation are multiple, and they accrue to the youth, the family, the juvenile justice system and the community. From the perspective of the youth, the supportive involvement of their family members can reduce anxiety, reinforce treatment—including proper use of prescribed medications—and provide them with an advocate(s) who can help them articulate their needs and desires. From the family's perspective, the ability to participate may also reduce anxiety in a number of ways, from knowing where their child is, to allowing them to retain some influence over what happens to their child.

For the justice system, involving families generally has benefits far beyond simple altruism. Families know their child best, and can provide information that is critical to keeping the child stable and safe. This is particularly important when a youth with a mental health disorder becomes justice-involved. Families can provide background on:

- the child's diagnosis and treatment history, including use of medication;
- the strengths and needs of their child;
- the family's capacity to participating in treatment;
- circumstances that affect their child's well-being;
- their child's patterns of responding to people and events in their surroundings;
- their child's education history and status, including an Individualized Educational Program (IEP) if the child is enrolled in special education;
- transition and on-going support services essential for successful and permanent re-entry to the community.

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Ultimately, it is the community that benefits when families are involved in their child's experience with the juvenile justice system.

Defining "family member"

A child's family is the group of individuals who support that child—emotionally, physically, and financially. Within this definition, a family can include individuals of various ages who are biologically related, related by marriage, or not related at all (Federation of Families for Children's Mental Health, 2001a.)

Each family has a culture of its own in addition to the external cultures it affiliates with. This influences how the family approaches the tasks of daily living (food, dress, work, school) and can direct how a family faces the challenges of raising a child with mental health needs. Families work in different ways and have different resources at their disposal.

The experiences of the family

Juvenile justice administrators and policymakers can benefit from understanding that families with a child who has a mental health disorder(s) and who has come in contact with the juvenile justice system have generally already faced serious issues related to their child's mental health problems. Youth with mental health needs who come in contact with the juvenile justice system often do so by *default*—other systems may not have responded adequately or early enough with physical, mental health, social, and educational services, and/or family supports.

Families know their child best and can provide information that is critical to keeping the child stable and safe. This is particularly true when a youth with a mental health disorder becomes involved with the juvenile justice system.

Families of such youth are sometimes advised that the way to access these essential services is to press charges against their own children. Using noncriminal status offenses such as running away, incorrigibility, truancy, under-age drinking and curfew violations, families reach out in desperation to find a partner in juvenile justice who will help them access the supports they need to keep their child safe and their family intact. According to a 1999 national survey conducted by the National Alliance of the Mentally Ill (NAMI), 36 percent of survey respondents said their child was in the juvenile justice system because mental health services outside of the system were unavailable to them. Twenty-three percent of parents were told that they would have to relinquish custody of their child to get the services they believed necessary. And 20 percent said that they actually relinquished custody to obtain services for their child (National Alliance for the Mentally Ill, 1999).

Even when families have been instrumental in the decision to engage their child in the juvenile justice system, they are often confused and alarmed. They may be concerned for their child's safety and fear that their child may become a victim of suicide, or assaults perpetrated by other incarcerated youth or staff. Families may also be anxious for the future of their child and grieve for their own loss of power to make decisions. They may resent that other interventions were not available or effective. They may also become angry if their visions of appropriate and successful treatment become replaced by absent or inadequate services. When dealing with families of justice-involved youth with mental health problems, it is important to remember that often these are families in crisis.

Involving families

When families are fully informed about the juvenile justice system and understand its parameters, they can help make responsible recommendations and decisions for their own child, as well as for overall system improvements. (Smeltsor, 1999). Generally, before that can happen, families need information. First, they need information about their child to allay their fears and reduce their anxiety. While many families know their child's mental health diagnosis, some do not. This information, in particular, must be shared with candor and sensitivity. Families typically are unfamiliar with the juvenile justice system and the mechanisms for their participation in its proceedings.

Families should be told the structure of the system, how and where decisions are made, and the process and protocols that govern each stage. They will likely need support to participate in all stages of their child's involvement with the juvenile justice system starting with arrest, adjudication and continuing through planning for placement, treatment, and discharge. Suggestions for supporting families so they can be effectively involved include:

- being flexible with meeting times;
- facilitating access to financial support for transportation and dependent care;
- communicating on a regular basis using channels that are readily available and comfortable for families.

The goal of these activities is to facilitate the effective involvement of families so that they can contribute to successful outcomes for youth.

Obstacles to family participation

Factors external and internal to the family can affect the extent to which they participate in the juvenile justice system. External factors include stigma associated with mental illness, stereotypical attitudes about families causing their child's problems, and policies and procedures that fail to provide a role for family participation. Internal factors include lack of knowledge about the system, lack of resources to affect or participate in the system, and health and/or mental health needs on the part of the parents and other family members. Juvenile justice system personnel can address these obstacles by making referrals and/or directing resources to the family. Such investments often strengthen the family, improve the system's ability to provide services to the child, and enhance the possibility of achieving positive outcomes for the child and more successful community reintegration.

Families at each stage of the system

A family's participation in the juvenile justice system is dictated by the stages of the system itself. Their needs for information and support, as well as the opportunities and ways they can be involved in decision-making and treatment, expand and change as their child progresses through the system. At each stage, there are specific things juvenile justice administrators and policymakers can do to facilitate effective family involvement.

At the time of arrest:€
At the time of arrest, law enforcement officers take the youth into their custody. If there is probable cause to believe that the child was involved in an offense, youth will be formally arrested and charged with an offense. Police may turn custody over to a court intake worker at the court or detention center. To facilitate family involvement, juvenile justice officials should:

- immediately contact parents—they may be able to confirm that a child has a mental health diagnosis;
- ask parents how they want to be involved;
- if possible, allow parents to be present during questioning and interrogation—this may be particularly important for youth with certain diagnoses;
- have a liaison or third party—perhaps a parent who has had similar experience—spend time with the parents prior to and during questioning so they can be appropriately informed about the process;
- explain the steps in the process, including that incriminating statements are admissible at the adjudication hearing;
- refer parents to programs for support by peers or mentors;
- if the parents inform you their child has a mental health disorder, ensure that the child receives the appropriate supports.

During intake:€
Parents should be informed that intake workers have several options for managing the cases of youth who have been arrested. They can redirect youth out of the system (diversion), release them to their parents with a summons to return to court for an initial hearing, or detain them in a detention center until a judicial hearing is held. Jurisdictions should establish policies and programs that require intake workers to screen youth in contact with the justice system for mental health problems and refer them for a formal assessment if there is evidence of a problem.

In many cases, intake workers file the formal charge (usually a petition). In others, the prosecutor's office takes this step. Prosecutors have the authority to dismiss charges, send youth to diversion programs, or file formal charges in juvenile or adult court (based on the jurisdiction and charge). To facilitate family involvement in the intake process, juvenile justice and court officials should:

- support families in their quest for screening and assessment;
- provide referrals for treatment or request family consent to access information from the current treatment provider;
- obtain family consent to speak with school personnel and obtain a copy of the child's IEP or other relevant school records;
- ask families what they will need to comply with a diversion process;
- assist families in accessing community resources that can help them with any problems that may arise as a result of the process (e.g. assistance with supervision while parents work or with transportation to mental health or substance abuse day treatment programs).

During consideration of detention:€
To facilitate the family's involvement during the hearing process, which decides if the youth will be held in custody, juvenile justice officials should:

- provide guidelines to families regarding the selection of legal representation for their child;
- involve families in the development of service, discharge and aftercare plans;
- ask parents about supports they may need to comply with conditions of release, and assist them in accessing those supports;
- help families find services and resources to implement court orders and juvenile justice plans for their child.

Preparing for adjudication:€

Parents should be made aware that adjudication is the hearing process where a judge hears witnesses and receives evidence for making a determination as to whether the youth was involved in the offense. To help families be involved at this stage, juvenile justice and court officials should:

- ensure that parents understand the process and know when and where it takes place; this may involve familiarizing parents with the courtroom layout and protocols and making sure they fully understand and can comply with security measures;
- help parents prepare any statements they wish to make during the proceeding;
- make sure that families have access to the general supports they may need for attending (transportation, child care, etc.);
- ask families if they need someone to support them during this process and connect them with resources.

At the time of disposition:€

If the youth was found to have been involved in the offense, families should be told that this hearing decides how the case will be resolved, including any sanctions that are placed on the youth. Juvenile justice and court officials should:

- inform families of all opportunities to advocate and participate in planning and treatment;
- consult with families—they know their child and the influences in his or her environment best and can inform staff of particular circumstances likely to affect the implementation of the court's decision;
- prepare families to see their youth in handcuffs and shackles—this can come as a shock and be emotionally devastating if they are unaware of the protocols;
- explain to families if and when they can talk to their child or hug him or her; help them understand what restrictions are in place and why these are necessary.

During placement:€

When youth are placed in a residential facility by court order, they may be placed in a community-based setting or placed in a facility some distance from their community. Family involvement should be supported with:

- arrangements for regular and frequent family access to and communication with youth—especially if the child is placed far from home;
- information regarding the policies and protocols of the facility as soon as a child is admitted;
- information about the daily activities of the youth, including behavioral interventions being used;
- encouragement to fully participate in any recommended family therapy, and provision of supports and resources to facilitate that participation;
- encouragement to fully participate in the planning process for all aspects of the youth's life (mental health treatment, health care, education, employment training, etc.);
- inclusion in planning for youth reintegration into the community;
- assistance in advocating for and obtaining the community services necessary for reintegration and resources to pay for them;
- opportunities for skills development for families to ensure good relationships with their child and the application of effective and appropriate supervision and discipline after release.

Summary€

The successful rehabilitation of youth in the system, and their sustained reintegration into the community rely upon the mutual support of juvenile justice systems and families in the accomplishment of their goals, particularly those related to compliance with the youth's mental health treatment program. Families and juvenile justice workers should ask one another what is needed for full participation in planning and accessing all services. Working together reinforces mutual responsibility for the outcomes. For this mutual support to take place, system administrators and policymakers must incorporate the strategies enumerated for including and supporting family involvement (FFCMH, 2001b).

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Juvenile justice system improvement

Once a family member has worked successfully with the juvenile justice system, and has had personal experience in advocating for their child, he or she may be interested in improving the juvenile justice system. One approach that is becoming more common is to include family members as workers in the system. A growing number of juvenile and mental health systems are recruiting and training family members as case managers,

advocates and service brokers. Families have become involved in running community-based organizations that provide support to other families, advocacy for children, and training to workers in the juvenile justice, mental health and other child serving systems.

Families can and should be involved in policy groups. Families contribute integrity to policy group work by providing reality-based, culturally relevant information from a unique perspective. In addition, families influence the political and policymaking process in ways that other policy workers and/or system administrators cannot (Koyanagi & Feres-Merchant, 2000.)

Before family members can be engaged in the policy process, understanding how the policy group operates is essential. Families must know what the structure is and how decisions are made. Providing the following information to families will help them decide if they want to participate:

- information regarding the purpose and responsibilities of the group, its authority and committee structure;
- any state or federal plans or mandates that guide the work of the group;
- available data to use in making system recommendations;
- information on the group process and procedures;
- requirements for membership;
- the backgrounds of the other members of the group, including whether there are other families involved;
- the degree of influence of the group;
- the frequency and location of meetings;
- the time commitment—beyond attending meetings—necessary to prepare for meetings or attend to committee assignments.

The bottom line

The key tenets of involving families in the processing of justice-involved youth with mental health problems are simple and include the following:

- Involving families benefits the youth, the family, the juvenile justice system and the community.
- Families most need information—valid information and consistent communication reduces confusion, frustration and disappointment.
- Family-run organizations can be critical resources for providing the emotional support families need for coping with the fear, anxiety, humiliation, anger, frustration, distrust and disappointment they experience when encountering the juvenile justice system.
- Training of juvenile justice personnel on the importance of involving families can help the former better understand the family perspective and the potential opportunities for families to be educated about the system, its processes and protocols. Family-run organizations can be helpful in providing such training.
- Families working together with service providers from child welfare, education, juvenile justice and mental health systems can improve outcomes for justice-involved youth with mental health issues.
- Families and child-serving systems working together *can* affect changes in policy and funding that will ensure a better future for children and youth with mental health and substance abuse disorders who are in contact with the juvenile justice system. □

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The authors, who work for the Federation of Families for Children's Mental Health, have both raised children with serious emotional disturbance who have been involved with the juvenile justice system. As Senior Policy Associate, Pat Hunt provides training, technical assistance, guidance and support to family-run organizations, policymakers and other advocates promoting improvements in policies directing the provision of behavioral health services for children and families. Ms. Hunt was formerly the Executive Director of United Maine Families. As Coordinator of Policy and Research, Tina W. Osher is active in setting the national policy agenda for children with mental health needs and in family-driven research projects.

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About the National Center for Mental Health and Juvenile Justice

Recent findings show that large numbers of youth in the juvenile justice system have serious mental health disorders, with many also having a co-occurring substance use disorder. For many of these youth, effective treatment and diversion programs would result in better outcomes for the youth and their families and less recidivism back into the juvenile and criminal justice systems. Policy Research Associates has established the National Center for Mental Health and Juvenile Justice to highlight these issues. The Center has four key objectives:

- Create a national focus on youth with mental health disorders in contact with the juvenile justice system
- Serve as a national resource for the collection and dissemination of evidence-based and best practice information to improve services for these youth
- Conduct new research and evaluation to fill gaps in the existing knowledge base
- Foster systems and policy changes at the national, state and local levels to improve services for these youth

A key aspect of the Center's mission is to provide practical assistance to all persons interested in mental health and juvenile justice issues. For assistance please contact NCMHJJ toll-free at (866) 9NC-MHJJ, or visit our website at www.ncmhjj.com.

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